

ADOT JPA File No.: 01-002
AG Contract No.: KR01-0231TRN
Amendment No. 1
Project No.:
Project: Freeway Service Patrols
Section: MAG Regionwide
TRACS No.: N/A
Budget Source Item No.: 12107/12408/
12409/13110

**AMENDMENT NO. 1
TO
INTERAGENCY AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE DEPARTMENT OF PUBLIC SAFETY

THIS AGREEMENT is entered into this date May 17, 2006, **Amendment No. 1** to JPA No. 01-002, A.G. Contract No.: KR01-0231TRN, **original was not** filed with the Secretary of State, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the DEPARTMENT OF PUBLIC SAFETY, acting by and through its DIRECTOR (the "DPS").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-108 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The DPS is empowered by Arizona Revised Statutes § 41-1713 to enter into this Agreement and has resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the DPS.

This Agreement is being amended as follows a) to include funding for Fiscal Years 2006 through 2010. Funding is in the five year program and is identified as follows:

FY06	12306	\$250,000.00	FY09	12409	\$747,000.00
FY07	12107	\$635,000.00	FY10	13110	\$698,000.00
FY08	12408	\$557,000.00			

b) Add the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12214); add Non-Availability of Funds and Written Determination of each party's legal council under the Miscellaneous Provisions.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

No. 28238
Filed with the Secretary of State
Filed: 5/17/06
James K. Brewer
Secretary of State
By: [Signature]

II. SCOPE OF WORK

Article II, Paragraph c is added in full as follows:

1. The DPS shall:

c. Continue the service patrols being funded by MAG, during the fiscal year 2006 through 2010.

Article II, Paragraph ...

2. The State shall:

Reimburse DPS within 30 days after receipt of invoices for services provided in a total amount for each Fiscal Year from 2006 through 2010, as identified under I. Recitals.

III. MISCELLANEOUS PROVISIONS

Article III, Paragraph 7, 8, 9 and 10 are added in full as follows:

7. This Agreement shall become effective upon filing with the Secretary of State.

8. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal Regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

9. Non-Availability of Funds: Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised as a result of termination under this paragraph.

10. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal council that the parties are authorized under the Laws of this State to enter into this Agreement and that the Agreement is in proper form.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

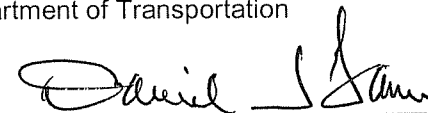
DEPARTMENT OF PUBLIC SAFETY

By 

ROGER L. VANDERPOOL
Director

STATE OF ARIZONA

Department of Transportation

By 

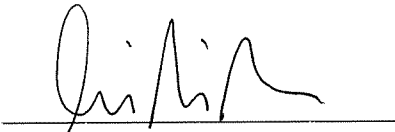
DAN LANCE, P.E.
Deputy State Engineer,
Valley Transportation

ATTORNEY APPROVAL FORM FOR THE DEPARTMENT OF PUBLIC SAFETY

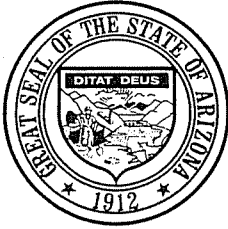
I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the DPS, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the DPS under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 21st day of April, 2006.

A handwritten signature in black ink, appearing to be "J. L. ...", is written over a horizontal line.

Attorney



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
CIVIL DIVISION
TRANSPORTATION SECTION
MEMORANDUM

Jeffrey T. Murray
Assistant Attorney General


Direct: 602-542-8859
Fax: 602-542-3646

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-0231 (**JPA01-002 Amendment #1**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED May 10th, 2006.


JEFFREY T. MURRAY
Assistant Attorney General

JTM:dgr
Attachment
#960020